

IN THE HIGH COURT OF UTTARANCHAL, AT NAINITAL

Criminal Revision No. 39 of 2001
(Old No. 506/1987)

Sri Puran Singh Revisionist

Versus

State Respondent

Hon. Irshad Hussain, J.

Heard Sri Dinesh Chauhan and Sudhir Singh learned counsel for the revisionist and Sri G.S. Sandhu learned A.G.A. for the respondent.

This is a revision under Section 397/401 of the Code of Criminal Procedure, 1973 has been preferred against the judgment and order dated 7.3.1987 passed by the Sessions Judge, Almora whereby the conviction of the revisionist under Section 325 I.P.C. as recorded by the learned Magistrate on 7.3.1987 in criminal case no. 228/85 was upheld. However, the conviction and sentence passed under Section 323 I.P.C. by the learned Magistrate was set aside. The revisionist had been sentenced to undergo R.I. for one year as well as to pay fine of Rs. 1000/- and in default to further undergo one months R.I.

The learned counsel for the revisionist pressed the revision only on the point of sentence. He contended that the revisionist is a retired army personnel and the injury sustained by the victim Sri B.S.Rawat was not serious enough to warrant sentence of imprisonment together with the fine imposed against him. Having gone through the judgment of both the courts and the injury report, the submission of the learned counsel cannot be said to be without merit so far as the nature and gravity of the injuries is concerned. Having record to these aspects and the age of the revisionist, I find myself in agreement with the submission of the learned counsel that the ends of justice will be met if the sentence of imprisonment is reduced to the sentence already undergone.

The revision is disposed in terms that the conviction of the revisionist under Section 325 I.P.C. is maintained. The sentence awarded is modified to the sentence of imprisonment already undergone by him. The revisionist shall however pay fine of Rs. 1000/-, if already not deposited, and in default of payment of fine he shall undergo R.I. for three months.

(Irshad Hussain, J.)

Dated 08.12.2003
Rawat